

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

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2005 DEC 22 PM 2:36

DM

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

AIRGAS NOR-PAC, INC.,

Plaintiff,

v.

RICK EGGLESTON,

Defendant.

Case No. A02-202 CI (JKS)

PLAINTIFF'S STATUS REPORT

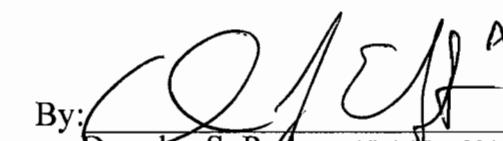
The parties have had one or more conversations about the case since October, including a fairly lengthy conversation between counsel on October 31 concerning remaining tasks to be accomplished. Since then, defendant provided incomplete witness statements in the course of motion briefing, and plaintiff has been trying without much success so far to obtain complete statements. *See Ex. A.* Once full statements have been provided, we should be able to determine the extent of any remaining discovery. We

anticipate that remaining depositions will be short and can, like those suggested by Defendant, be coordinated and completed in January or by February 15.

Plaintiff should have its expert report completed by the first week in January and anticipates expert depositions can be complete by the end of February as well. Plaintiff agrees with Defendant's statement regarding trial dates and potential settlement.

DATED at Anchorage, Alaska this 22nd day of December 2005.

PRESTON GATES & ELLIS LLP

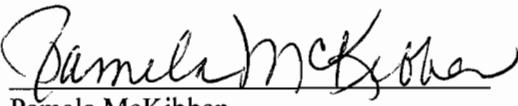
 A3A 9611064
By:
for: Douglas S. Parker, ABA No. 8311168
Attorneys for Plaintiff AIRGAS
NOR-PAC, INC.

Certificate of Service

I hereby certify that on the 22nd day of December 2005, a true copy of the foregoing was served on:

Thomas V. Van Flein, Esq.
Clapp Peterson, Van Flein, Tiemessen & Thorsness, LLC
711 H Street, Suite 620
Anchorage, AK 99501

Via: U.S. Mail hand delivery facsimile


Pamela McKibben

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Preston|Gates|Ellis LLP

Douglas S. Parker
parkerd@prestongates.com

December 2, 2005

VIA FACSIMILE and REGULAR MAIL

Thomas V. Van Flein, Esq.
Clapp Peterson, et al. LLC
711 H Street, Suite 620
Anchorage, AK 99501-3454

Re: *Airgas v. Eggleston*

Dear Tom:

My office has left several phone messages for you this week requesting that you produce the full transcripts of the telephonic interviews relied on in Eggleston's reply in support of motion to bifurcate. To date, we have not heard back from you. Although we understand if you are busy, our request is fairly simple and we would appreciate your response as soon as possible. Generally, we ask that you disclose full copies of all previously undisclosed and unprivileged recorded statements covered by Rule 26(a)(1)(C). More specifically, assuming that the transcripts attached to your reply brief reflect all such recorded statements and that the transcript of Jeremy Schaeffer is complete, we simply ask for the complete transcripts of Rick Thomas, Jimmy Connor, Jean Caskey, and Dennis Atkins.

Please let me know as soon as possible when this information will be provided.

Thanks very much.

Very truly yours,

PRESTON GATES & ELLIS LLP

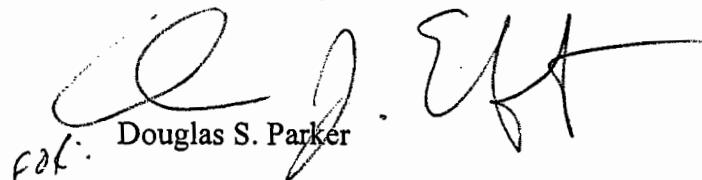

fdr. Douglas S. Parker

EXHIBIT A
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